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Message Text

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61
ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

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INFO USUN NEW YORK 786
AMEMBASSY LIMA
AMEMBASSY MEXICO CITY
AMEMBASSY QUITO
AMEMBASSY SANTIGO

C O N F I D E N T I A L CARACAS 8187

FM USDEL LOS

EO 11652: GDS
TAGS: PLOS
SUBJ: LOS: TALKS WITH ECUADORIAN REPRESENTATIVES ON
TUNA, AUGUST 15, 1974.

1. PARTICIPANTS: AMB. JOHN R. STEVENSON - CHAIRMAN OF
DELEGATION; AMB. DONALD L. MCKERNAN - CONSULTANT, DEPART-
MENT OF STATE; BERNARD H. OXMAN -L/OES/DEPARTMENT OF
STATE; MORRIS D. BUSBY - S/FW-COA, DEPARTMENT OF STATE;
VIRGIL RANDOLPH - US EMBASSY, CARACAS; AMB. LUIS VALENCIA
RODRIGUEZ - HEAD OF DELEGATION; DR. LUIS PONCE
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ENRIQUEZ - DELEGATE. PLACE: PARQUE CENTRAL, CARACAS.

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2. AT US REQUEST, REPRESENTATIVES OF THE TWO DELEGATIONS MET TO DISCUSS THE US PROPOSED ECONOMIC ZONE DRAFT ARTICLES (L.47) AND AREAS OF POSSIBLE ACCOMMODATION ON THE ECONOMIC ZONE, IN PARTICULAR HIGHLY MIGRATORY SPECIES.

3. IN RESPONSE TO A US QUESTION CONCERNING THEIR GENERAL VIEW OF L.47, THE ECUADORIAN REPRESENTATIVES STATED THAT IT WAS A QTE GREAT STEP FORWARD UNQTE FOR US, BUT NONETHELESS WAS NOT SATISFACTORY TO THEM IN VIEW OF THEIR STATED POSITION ON A 200-MILE TERRITORIAL SEA. THEY EXPRESSED THE OPINION THAT OUR BASIC APPROACH WAS THE PROBLEM. WHEREAS THE US VIEWS THE ECONOMIC ZONE AS A PART OF THE HIGH SEAS WITHIN WHICH THE COASTAL STATE IS GRANTED SOME RIGHTS BY TREATY, THEY CONSIDER IT AS PART OF THEIR NATIONAL TERRITORY WITHIN WHICH THEY WILL ACCEPT SOME OBLIGATIONS TO SATISFY LEGITIMATE INTERESTS OF THE INTERNATIONAL COMMUNITY, SUCH AS NAVIGATION AND OVERFLIGHT. THE ECUADORIAN REPRESENTATIVES FURTHER STATED THAT THEY COULD NOT ACCEPT THE CONCEPT OF SOVEREIGN RIGHTS OVER RESOURCES, SINCE THEY DESIRED SOVEREIGNTY OVER THE AREA ITSELF.

4. SETTING ASIDE THE SOVEREIGNTY QUESTION, THE TWO DELEGATIONS DISCUSSED VARIOUS PROVISIONS OF THE DRAFT ARTICLES THEMSELVES. CONCERNING ARTICLE 19 ON HIGHLY MIGRATORY SPECIES, THE ECUADORIAN REPRESENTATIVES STATED THAT ALTHOUGH THEY HAD NO PROBLEM WITH THE ESTABLISHMENT OF AN INTERNATIONAL ORGANIZATION TO REGULATE SUCH SPECIES, THEY WERE OPPOSED TO ANY PROVISION THAT FORCED THEM TO JOIN IT. THEY ADDED, HOWEVER, THAT ANY NATION SERIOUSLY INTERESTED IN DEVELOPING A TUNA FLEET OR INDUSTRY WOULD, IN THEIR OPINION, JOIN.

5. THE ECUADORIAN REPRESENTATIVES ALSO FELT THAT A COASTAL STATE SHOULD NOT BE OBLIGED TO ACT IN ACCORDANCE WITH THE ORGANIZATION'S REGULATIONS, BUT RATHER TO ONLY COOPERATE AND TAKE INTO ACCOUNT ITS RECOMMENDATIONS. DURING A DISCUSSION OF POSSIBLE ALLOCATION PRINCIPLES (ARTICLE 19.C(1)), THEY STATED THAT AN ALLOCATIONS SYSTEM BASED ON A CAPACITY TO CATCH WOULD BE QTE IMPOSSIBLE TO ACCEPT UNQTE. LATER DISCUSSION INDICATED SOME PROBLEM OF UNDERSTANDING AND UNDER SAME CONDITIONS IT CONFIDENTIAL

APPEARED THEY COULD ACCEPT SUCH A SYSTEM.

6. THE ECUADORIANS RAISED THE QUESTION OF THE APPLICATION OF CONSERVATION PRINCIPLES WITHIN THE TERRITORIAL SEA, STATING THAT IF SUCH MEASURES WERE IN FACT NECESSARY, THEY SHOULD APPLY EVERYWHERE. CARRYING THIS A STEP FURTHER, THEY THEORIZED THAT IF THERE WERE SUCH A PROVISION, THEY COULD APPLY IT TO THEIR 200-MILE TERRITORIAL SEA AND JURIDICALLY

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COULD THEN ACCEPT THE ORGANIZATION.

7. ON ENFORCEMENT OF REGULATIONS, ECUADOR READILY ACCEPTED ARTICLE 21.3 WHICH PROHIBITS IMPRISONMENT OR CORPORAL PUNISHMENT. THEY RJECTED, HOWEVER, THE PROVISIONS WHICH CALL FOR DELIVERY OF A VESSEL TO OFFICIALS OF THE FLAG STATE FOR TRIAL AND PUNISHMENT, SAYING IT WAS QTE IMPOSSIBLE TO ACCEPT UNQTE. THE ECUADORIAN REPRESENTATIVES FELT THAT ANY SUCH PROVISION WOULD BE AN INPINGEMENT ON THEIR SOVEREINGTY.

8. AT CONCLUSION OF MEETING, ECUADORIANS INDICATED THAT THEY WOULD FURTHER CONSIDER THE US ARTICLES, BUT THAT FURTHER NEGOTIATIONS SHOULD WAIT FOR THE NEXT SESSION OF THE LOS CONFERENCE. THE US STATED THAT A RENEGOTIATION OF THE IATTC TREATY SEEMED TO BE IN THE OFFING AND THAT WE WOULD LIKE TO BRING THEM INTO THE ORGANIZATION. IN THIS REGARD, IT WAS SUGGESTED THAT WE COULD CONTINUE TO DISCUSS PRINCIPLES OF FISHERIES MANAGEMENT BOTH BILATERALLY AND REGIONALLY, SETTING ASIDE THE SOVEREIGNTY ISSUE. THE ECUADORIAN REPRESENTATIVES STATED THEY WOULD CONSIDERS THIS UPON THEIR RETURN TO QUITO, AND PERHAPS SOMETHING COULD BE DONE IN THE MONTHS AHEAD EVEN IN ADVANCE OF THE NEXT LOS SESSION.

8. THE ECUADORIANS APPEARED PREPARED TO ACCEPT MANY OF USG CONSERVATION AND ALLOCATION PRINCIPLES IF INCLUDED IN BILATERAL OR REGIONAL TREATY THEY WOULD CONCLUDE IN EXERCISE OF THEIR SOVEREIGNTY RATHER THAN INCLUDED IN GENERAL LOS TREATY LIMITING THEIR SOVEREIGNTY.
STEVENSON

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